

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

021756-012100USS

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on December 20, 2006

TOWNSEND and TOWNSEND and CREW LLP

Signature

Typed of printed name Sara B. McPeak

Application Number

09/998,908

Filed

November 30, 2001

First Named Inventor

Chi-Cheng Lee et al.

Art Unit

2144

Examiner

Thanh T. Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

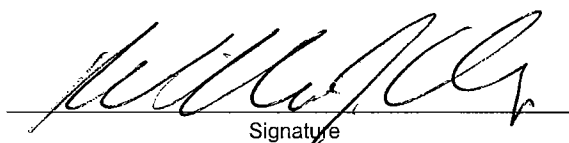
☒

attorney or agent of record.

Registration number 52,471☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____



Signature

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Typed or printed name

303-571-4000

Telephone number

December 20, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 5 pages in this submission

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on December 20, 2006

**STATEMENT OF REASONS IN
SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

TOWNSEND and TOWNSEND and CREW LLP

By: Sara B. McPeak
Sara B. McPeak

PATENT
Attorney Docket No.: 021756-012100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chi-Cheng Lee et al.

Application No.: 09/998,908

Filed: November 30, 2001

For: SUPPORT FOR MULTIPLE DATA
STORES

Customer No.: 20350

Confirmation No.: 4166

Examiner: Thanh T. Nguyen

Art Unit: 2144

**STATEMENT OF REASONS IN
SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

***Via EFS-Web
Mail Stop AF***
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is submitted in support of the Pre-Appeal Brief Request for Review, that is submitted herewith. The applicants respectfully request review of the final rejection mailed by the U.S. Patent Office for the above-identified application on August 22, 2006 ("the Final Office Action"). An Advisory Action was mailed on November 20, 2006 indicating that a Response filed on October 20, 2006 under 37 C.F.R. § 1.116 ("the Amendment") did not place the application in condition for allowance.

A Notice of Appeal is being filed concurrently herewith.

1. Status of Claims

Claims 1-4, 7-13, 16-19, 21-27, 35-37, 40, 42-45 and 50-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,173,311 to Hassett et al. (hereinafter "Hassett"), U. S. Patent No. 5,901,287 to Bull et al. (hereinafter "Bull") in view of U. S. Patent No. 6,901,588 to Krapf et al. (hereinafter "Krapf").

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hassett and Bull in view of U. S. Patent No. 6,678,733 to Brown et al. (hereinafter "Brown").

2. Reasons for Requesting Review

The Applicant respectfully submits that the final Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended. Therefore, the Applicant requests reconsideration of these claims.

In order to establish a *prima facie* case of obviousness, the Office Action must establish a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). However, as argued previously, the cited references fail to teach or suggest, alone or in combination, each claimed limitation. For example, none of the references, alone or in combination, teach or suggest multiple data stores each having a agent and a profile representing configuration information for the data store, the agents and profiles being mapped one-to-one, creating a temporary proxy, or accessing a data store via the associated agent from the temporary proxy based on the profiles.

As noted previously, under Hassett, the agent used to process a request is determined by information (i.e., the category ID) in the request, from the client. (See also FIG. 5A) The category ID from the request is based on the last information sent to the client. (Col. 5, lines 35-36, col. 9, lines 9-33, col. 19, line 10 - col. 22, line 35) However, as noted in the Office Action, Hassett does not teach or suggest multiple data stores each having a agent and a profile representing configuration information for the data store, the agents and profiles being mapped

one-to-one, creating a temporary proxy, or accessing a data store via the associated agent from the temporary proxy based on the profiles.

The final Office Action then introduced Bull to demonstrate this element that is clearly not taught by Hassett. Bull is "directed to an information aggregation and synthesization system which connects with local and network accessible datastores through an intermediary gateway system." More specifically, under Bull "the user initiates access to the system through a network addressable interface device." (Col. 3, lines 26-27) "The user is then connected to the information aggregation and synthesization system via a network service provider." (Col. 3, lines 29-31) "The user logs on to the system either by name, address, etc. or with some pseudonym (or some combination)." (Col. 3, lines 32-34) " This allows the user's activity to be tracked and establishes a log of the user's activity during the current online experience (session)." (Col. 3, lines 34-36) "The user is also asked for explicit profile information concerning preferences." (Col. 3, lines 36-38) "These preferences will be used to narrow the information retrieval and may be collected when the user first logs in or incrementally as the user asks for specific information." (Col. 3, lines 38-41) That is, Bull discloses tracking a user's access of information, i.e., his surfing habits, and building a set of preferences based thereon. This information is then used to update the user's profile and the profile can in turn be used to provide customized searches based on the user's profile. (col. 4, lines 28-33)

The agents of Bull cited by the Office Action provide for monitoring of a user's actions and, when a certain pattern is detected, provide a target advertisement. (Col. 4, line 62 - col. 5, line 10) The portion of Bull cited by the Office Action, i.e., col. 14, lines 21-32, actually describes a data store for storing such agents. However, the functions of the agents remain monitoring a user's actions and providing a target advertisement based thereon, not teach or suggest using the agents to access the data store. Furthermore, Bull does not teach or suggest each data store having an agent. For example, Bull does not teach or suggest the "lead data store" of FIG. 3 having an agent for accessing that store.

Therefore, Bull does not teach or suggest multiple data stores each having a agent and a profile representing configuration information for the data store, the agents and profiles

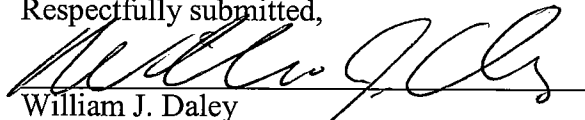
being mapped one-to-one, creating a temporary proxy, or accessing a data store via the associated agent from the temporary proxy based on the profiles. Rather, the profiles of Bull are related to individual users, not the individual data stores. Furthermore, the agents of Bull monitor the actions of the user and provide a targeted advertisement based thereon, they do not provide access to an associated data store.

Krapf relates to "a method and apparatus for representing and implementing a concept between two functional domains (e.g., programming languages) by using a proxy component in a first domain to wrap a component of a second domain, where the proxy component has a semantic usability in the first domain closely corresponding to the semantic usability of the underlying component from the second domain." (Col. 2, lines 8-15) "Such proxy components may be used to gradually transform a digital entity (e.g., a software application) from a first domain to a second domain." (Col. 2, lines 16-19) However, Krapf does not teach or suggest multiple data stores each having an agent and a profile representing configuration information for the data store, the agents and profiles being mapped one-to-one, creating a temporary proxy, or accessing a data store via the associated agent from the temporary proxy based on the profiles.

In summary, the cited references fail to teach or suggest, alone or in combination, each claimed element. Therefore, the applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness. For at least these reasons, the applicants contend that the rejection is improper and should be withdrawn.

Date: December 20, 2006

Respectfully submitted,


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